

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE TORRES,

Defendant.

Case No. 2:20-cr-00418 (BRM)

**ORDER**

**THIS MATTER** is before the Court on Plaintiff United States of America's (the "Government") Motion in Limine. (ECF No. 111.) Defendant Jose Torres ("Defendant"), through counsel, filed an opposition to the motion. (ECF No. 113.) The Government filed a reply. (ECF No. 114.) Also before the Court is Defendant's Motion in Limine. (ECF No. 132.) The Government filed an opposition to the motion. (ECF No. 137.) Defendant filed a reply. (ECF No. 141.) Having reviewed the submissions filed in connection with the Motions and having held oral argument on June 27, 2022, for the reasons set forth in the accompanying Opinion and for good cause having been shown,

**IT IS** on this 8th day of July 2022,

**ORDERED** that the Government's motion (ECF No. 111) is **GRANTED IN PART** and **DENIED IN PART**, and Defendant's motion (ECF No. 132) is **DENIED** as follows:

**ORDERED** that Defendant's motion to dismiss the Second Superseding Indictment based on the legislative history of Section 2422(a) is **DENIED**;

**ORDERED** that Defendant's motion to dismiss the Second Superseding Indictment as unconstitutionally vague is **DENIED**;

**ORDERED** that the Government's motion to exclude evidence of the victims' sexual behavior before and after their encounter with Defendant is **GRANTED**;

**ORDERED** that the Government's motion to admit evidence Defendant assaulted and threatened the charged victims is **GRANTED**;

**ORDERED** that Defendant's motion to exclude evidence of conduct after crossing state borders is **DENIED**;

**ORDERED** that the Government's motion to admit evidence Defendant utilized more than one telephone number is **GRANTED**;

**ORDERED** that the Government's motion to admit text messages to uncharged victims is **DENIED**;

**ORDERED** that the Government's motion to permit the victims to testify absent certain identifying information is **GRANTED**. Victims 1 through 6 may testify at trial using only their first names and first initials of their last names, and may testify as to their city of residence, and without disclosing their home addresses, places of employment, or educational institutions; and

**ORDERED** that the Government's motion to preclude Defendant from offering evidence regarding inappropriate legal arguments and/or engaging in jury nullification is **DENIED AS MOOT**;

**ORDERED** that the accompanying Opinion shall be filed **UNDER SEAL**;

**ORDERED** that counsel shall submit, via email to chambers\_of\_judge\_brian\_martinotti@njd.uscourts.gov by August 10, 2022, a joint proposed redacted version of the opinion for the Court's review and publication to the docket.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**